

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ROBERT E. WALLACE, JR., )  
Plaintiff, )  
v. )  
ALEX DOWNEY, et al., )  
Defendants. )

No. 4:21-cv-01099-JAR

## **MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Robert E. Wallace, Jr.'s motion for production of documentation (Docket No. 22) and motion for order of protection (Docket No. 23). In the motion for production, plaintiff requests "video footage" from Potosi Correctional Center, while in the motion for an order of protection, he seeks an ex parte "order of protection [and] separation from defendants for protection [and] safety concerns."

The Court dismissed plaintiff's case without prejudice on April 8, 2022, for failure to comply with the Court's order. (Docket No. 13). Plaintiff subsequently filed a notice of appeal. (Docket No. 15). The appeal remains pending.

Once a case has been appealed, the issues before the appellate court should not be undermined or altered. *Liddell by Liddell v. Board of Educ. of City of St. Louis*, 73 F.3d 819, 822 (8<sup>th</sup> Cir. 1996). “The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). To the extent that plaintiff’s motions implicate aspects of his case that are involved in his appeal, they must be denied.

To the extent that plaintiff's motions do not implicate his appeal, they must still be denied. The motion for production of documentation is subject to dismissal because plaintiff's case has been dismissed. Additionally, his motion for an order of protection against defendants provides no factual basis demonstrating that he is in danger or requires such an order.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for production of documentation (Docket No. 22) is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff's motion for an order of protection (Docket No. 23) is **DENIED**.

Dated this 3rd day of June, 2022.



John A. Ross  
JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE